

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 19, 2003**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan, Deputy Clerk.

B159251      Eslamieh v. Coachman Recreational Vehicle

Argument waived, cause submitted.

B164110      Edmund Peterson  
v.  
Steele Company

Merits:

Counsel waives the presence of Spencer, P.J. Argued by Michael Sisson for appellant and by Mitchell S. Brachman for respondent. Cause submitted.

B142410      Ellenburg Fund Twenty  
v.  
Ellenburg Capital Corporation, et al.

Merits:

Argued by David W. Trotter for appellant and by Steven S. Fleischman for respondents. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B163189 Susan Van Wagenen  
v.  
Berkley Industries, LLC.

Merits:  
Counsel waives the presence of Spencer, P.J. Argued by Richard A. Derevan for appellant and by Gary H. Green, II for respondent. Cause submitted.

B163469 Emma Corporation  
v.  
Inglewood Unified School District

Merits:  
Counsel waives the presence of Spencer, P.J. Argued by David Orbach for appellant and by Patrick J. Duffy for respondent. Cause submitted.

Mallano, J. returns to the bench.

B161431 Lottie Nelson, et al.  
v.  
County of Los Angeles, et al.

Merits:  
Argued by Alan Diamond for appellants, by Leo J. Terrell for respondent Wallace Nelson and by David E. Frank for respondent Lottie Nelson. Cause submitted.

Vogel, J. leaves the bench.

## November 19, 2003 (Continued)

## DIVISION ONE (Continued)

B168662 State Farm Mutual Automobile Insurance Co.  
v.  
Superior Court, Los Angeles County (Jerry Hill et al, r.p.i.)

Merits:  
Counsel waives the presence of Spencer, P.J. Argued by Raoul Kennedy for petitioner and by J. Michael Hennigan for real parties in interest. Cause submitted.

Court adjourned.

B167780      People v. Story      (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Mallano, J.

B165440      People      (Not for Publication)  
v.  
Robert W. Barnes

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
Ortega, J.

B159705      People      (Not for Publication)  
v.  
Prudencio Dominguez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.  
                         Ortega, J.

DIVISION ONE (Continued)

B165296      Los Angeles County, D.C.S.      (Not for Publication)

v.

Judith R.,

In re Brian L. et al, minors

The order denying the section 388 petition is affirmed

Vogel (Miriam A.), J.

We concur:    Spencer, P.J.

Ortega, J.

B165830      Anton      (Not for Publication)

v.

The Roxy Theater, et al.

The judgment is reversed, and the cause is remanded to the trial court with directions to place the case back on track for trial. Anton is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.

Mallano, J.

B161669      Reel Good, Inc., et al.      (Not for Publication)

v.

Giants Entertainment, Inc., et al.

The judgment is reversed, and the cause is remanded to the trial court with directions (1) to vacate the default judgment, the entry of default, and the order striking Giants' and Dadon's answer and cross-complaint, and (2) to set the case back on track for trial. The parties are to pay their own costs of appeal, subject to reallocation by the trial court at the conclusion of this case.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.

Mallano, J.

November 19, 2003 (Continued)

## DIVISION ONE (Continued)

B159251      Eslamieh      (Not for Publication)  
v.  
Coachmen Recreational Vehicle Company, et al.

The judgment is affirmed. Eslamieh is awarded his attorney's fees and costs incurred on appeal, and the cause is remanded to the trial court with directions to determine the amount to which Eslamieh is entitled. Eslamieh's motion for sanctions is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

B165661      Yan, et al.  
v.  
Memrad Medical Group, Inc.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B164486 People (Certified for Publication)  
v.  
Cheaves

The judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B163260      People                          (Not for Publication)  
v.  
Sherman

The second 5-year enhancement pursuant to section 667, subdivision (a)(1) stemming from case No. A453889 is stricken, and appellant's sentence is reduced accordingly to 40 years to life on count 1. The superior court is directed to correct the abstract of judgment in appellant's case and forward the corrected version to the Department of Corrections. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur:   Boren, P.J.  
                      Nott, J.

B164265 People v. Lawing (Not for Publication)

The judgment is modified to award appellant 110 days of presentence conduct credit and 333 days total credits, and as so modified, is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this decision.

Doi Todd, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

DIVISION THREE

B162966 People (Not for Publication)  
v.  
Alam

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B166263 People (Not for Publication)  
v.  
Carlos M.

The judgment (order delcaring minor a ward of the court under Welfare and Institutions Code section 602) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B160364 People (Not for Publication)  
v.  
Backus

The judgment (order granting probation) is modified to award 150 days of presentence custody credit consisting of 100 actual days and 50 days of conduct credit and, as so modified, affirmed. The clerk of the superior court shall prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B162785 People (Not for Publication)  
v.  
Facundo

The judgment is affirmed, and the trial court is directed to amend the abstract of judgment to conform to the trial court's pronouncement of judgment.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B158361 Jeffrey Light (Not for Publication)  
B161832 v.  
Provident Life and Accident Insurance

The judgment is affirmed. Each party to bear their own costs.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.

B165648      Lance Hool      (Not for Publication)  
v.  
Village Roadshow Pictures Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:   Armstrong, J.  
                      Mosk, J.



November 19, 2003 (Continued)

DIVISION SIX

B165921 People (Not for Publication)  
v.  
Arturo A.

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B162566      Linden  
v.  
American Express Financial Inc., et al.

The court on its own motion orders rehearing of the decision filed on October 27, 2003.

## DIVISION SEVEN

B163343 Ryan (Not for Publication)  
v.  
City of Hermosa Beach et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B160259      Graf                                  (Not for Publication)  
v.  
Nelson et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Johnson, Acting P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B162667      City of Burbank                      (Certified for Publication)  
                 v.  
                 Nolan

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur:    Woods, J.  
                      Zelon, J.

B162764      People                                      (Not for Publication)  
                 v.  
                 Withers

The judgment is affirmed.

Johnson, J.

We concur:    Perluss, P.J.  
                      Zelon, J.

B162335      People                                      (Not for Publication)  
                 v.  
                 Azrine

The judgment is affirmed.

Perluss, P.J.

We concur:    Johnson, J.  
                      Woods, J.

## DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B163713      Nachman      (Not for Publication)  
v.  
Modern Elevators, Inc.

The portion of the judgment imposing \$715 in sanctions against Modern Elevator is reversed. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

[illegible]

The abstract of judgment is ordered to reflect the five-year enhancement imposed pursuant to section 12022.8 on the rape count, and the clerk of the superior court shall prepare and forward to the Department of Corrections a corrected abstract of judgment. The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                          Zelon, J.

DIVISION SEVEN (Continued)

B164222      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Tayde L., et al.

The judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                  Zelon, J.

B167912      KB Home, et al.  
v.  
Superior Court, Los Angeles County  
(Consolidated Industries Corp. et al., r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B162622      People      (Not for Publication)  
v.  
Richard

The judgment is affirmed.

Woods, J.

We concur:    Perluss, P.J.  
                  Johnson, J.

B162516      People      (Not for Publication)  
v.  
Hampton

The judgment is affirmed.

Woods, J.

We concur:    Johnson, Acting P.J.  
                  Zelon, J.

DIVISION SEVEN (Continued)

B167044      Jevne, et al.                      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(JB Oxford Holdings, Inc., r.p.i.)

The petition is denied. Costs awarded to real party in interest.

Woods, J.

We concur:   Perluss, P.J.  
                    Zelon, J.

B169238      Destony L., a minor                      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order terminating reunification and setting a hearing under section 366.26, the petition is denied on the merits.

Woods, J.

We concur:   Perluss, P.J.  
                    Johnson, J.

DIVISION EIGHT

B165387      Hodur

v.  
The Veverly Hills Hotel & Hateh Mohahed Mostafa

Filed order denying petition for rehearing.

B164784      Tiwalola Oladiji Shoyinka

v.  
City of Los Angeles

Filed order denying petition for rehearing.

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**Addition to the minutes of October 14, 2003**

**DIVISION FOUR**

B161030     People  
                 v.  
                 Gomez, et al.

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)